

REMARKS/ARGUMENTS

Amendments

Before this Amendment, claims 1-18 were present for examination. Claims 1-5, 8-9, 12-18 are amended. Claims 19-20 were previously withdrawn. Claims 6, 7, 10, and 11 are cancelled. No new claims are added. Therefore, claims 1-5, 8-9, 12-18 are present for examination, and claims 1 and 9 are the independent claims. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

The Office Action has rejected claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Wang et al., U.S. Patent 5,428,819 ("Wang") in view of the cited portions of Carneal et al., U.S. Patent 6,982,969 ("Carneal").

35 U.S.C. §103(a) Rejection, Wang, Carneal

The Office Action has rejected claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Wang in view of the cited portions of Carneal.

Independent claims 1 and 9 recite that the unique feature of a band adjusting means which can adjust the bandwidth to be occupied by any of the other wireless communication systems by shifting the main frequency of at least one of the occupied bandwidths so as to enlarge the bandwidth of at least one of the idle frequency bands when the frequency band to be allocated is not found within the idle frequency bands.

This allows a wireless communication system that is capable of setting variable bandwidth channel responsive to a user request by avoiding the interference of radio signals among a plurality of wireless communication systems.

The office action rejected all of the claims under 35 USC §103 as being obvious from Wang in view of Carneal. The office action acknowledges that Wang does not explicitly teach the band adjusting means of the claimed embodiment. Rather, the office action asserts that Carneal discloses this element.

Carneal proposes a hub station for dynamically allocating frequency spectrum in response to demand of a plurality of remote units (RF transmitters and/or receivers) so that at least a portion of the RF spectrum from the group having best state of performance to at least one of the plurality of remote units, wherein the state of performance of each group is determined by monitoring the length of data queue.

However, Carneal does not disclose or suggest that such a band adjusting means which adjusts the bandwidth to be occupied by any of the other wireless communication systems by shifting the main frequency of at least one of occupied bandwidths so as to enlarge the bandwidth of at least one of the idle frequency bands when frequency band to be allocated is not found within the idle frequency bands. Thus, Carneal does not teach "band adjusting means for adjusting the bandwidth to be occupied by any of the other wireless communication systems by shifting the main frequency of at least one of occupied bandwidths so as to enlarge the bandwidth of at least one of said idle frequency bands when said band allocating means cannot allocate the frequency band, and causing said band allocating means to perform reallocation of the frequency band" with respect to claim 1. And, Carneal does not teach "wherein said server management terminal has band adjusting means for adjusting the bandwidth to be occupied by any of the other wireless communication systems by shifting the main frequency of at least one of occupied bandwidths so as to enlarge the bandwidth of at least one of said idle frequency bands when said frequency band to be allocated is not found in said idle band information memory, thereby to perform reallocation of the frequency band" as recited in claim 9."

Therefore, for at least these reasons, claims 1 and 9 are non-obvious over the cited references. Furthermore, the dependent claims that depend from claims 1 and 9 are also non-obvious for at least the same reasons.

CONCLUSION

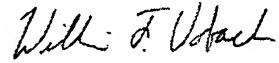
In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/763,817
Amdt. dated September 22, 2008
Reply to Office Action of March 21, 2008

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



William F. Vobach
Reg. No. 39,411

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
WFV:klb
61378246 v1